

United States District Court

For The District of Wyoming

Nancy D. Freudenthal, United States District Judge

Abby Logan, Deputy Clerk  
Jan Davis, Court Reporter  
Brandi Monger, Law Clerk

September 27, 2011  
Cheyenne, WY

UNITED STATES OF AMERICA,  
Plaintiff,

Plaintiff's Attorneys:  
Darrell Fun, L. Robert Murray

vs.

ROBERT VELASQUEZ et al,  
Defendant.

Defendant's Attorneys:  
Tom Fleener, Peter Timbers, Vince Horn,  
Jill Higham

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**COURTROOM MINUTES  
JURY TRIAL DAY 3**

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9:10 am - 9:16 am      Pretrial matters discussed in chambers outside the presence of the defendants and the potential jurors.

9:30 am - 10:21 am    Pretrial matters discussed in open court with defendants present. Potential jurors not present.

11:34 am              Court resumes. Pretrial matters discussed in open court with defendants present. Potential jurors not present.

11:34 am              Motion to Sever by Tom Fleener for Daniel Renteria.

11:36 am              Vince Horn joins in Mr. Fleeners Motion to Sever on behalf of Robert Velasquez, Jr.

11:37 am              Darrell Fun responds for the Government.

11:37 am Vince Horn requests a ruling on the Motion to Sever before proceeding.

11:38 am Darrell Fun responds for the Government.

11:40 am Peter Timbers joins the Government in requesting that the Court does not sever at this point.

11:40 am Court denies the Motion to Sever and puts the reasoning on the record.

11:42 am Judge asks the defense counsel if they need more time to discuss whether or not this case will be declared a mistrial at this point.

11:46 am Vince Horn responds with a proposal for the Court.

11:47 am Darrell Fun responds for the Government.

11:49 am Peter Timbers agrees to the proposal on behalf of Miguel Ordaz.

11:50 am Vince Horn agrees to the proposal on behalf of Robert Velasquez, Jr.

11:50 am Tom Fleener does not agree to the proposal on behalf of his client, Daniel Renteria and puts his reasoning on the record. Tom Fleener moves for a mistrial on behalf of Daniel Renteria and again moves to sever his client.

11:52 am The Judge informs all parties that if a mistrial is granted, it will be to all.

11:52 am Jill Higham objects to Mr. Fleeners Motion for Mistrial on behalf of Alex Garcia, Jr.

11:53 am Peter Timbers objects to Mr. Fleeners Motion for Mistrial on behalf of Miguel Ordaz.

11:53 am Bob Murray responds for the Government.

11:55 am Tom Fleener responds on behalf of Daniel Renteria.

11:56 am The Judge informs the parties again with explanation that if a mistrial is granted, it will be to all and the process will start over.

11:59 am Tom Fleener responds on behalf of Daniel Renteria. Tom Fleener withdraws his Motion for mistrial on behalf of Daniel Renteria.

12:00 pm Bob Murray responds for the Government.

12:01 pm Robert Velasquez, Jr. sworn in by the Courtroom Deputy and addressed by the judge with his counsel, Vince Horn, by his side.

12:03 pm Defendant Velasquez accepts the arrangement before the Court and waives his right to appeal that process as an error.

12:04 pm Defendant Miguel Ordaz sworn in by the Courtroom Deputy. Defendant Ordaz accepts the arrangement before the Court and waives his right to appeal the process as an error.

12:05 pm Defendant Alex Garcia, Jr. sworn in by the Courtroom Deputy.

12:06 pm Defendant Garcia accepts the arrangement before the Court and waives his right to appeal that process as an error.

12:07 pm Defendant Daniel Renteria sworn in by the Courtroom Deputy.

12:08 pm Defendant Renteria accepts the arrangement before the Court and waives his right to appeal that process as an error.

12:10 pm The Court finds that the waivers of appeal were knowing and voluntary given by the defendants under oath.

12:11 pm The Judge informs all that the jurors will take their lunch break now and the peremptory challenge process will continue at 1:30 p.m.

12:13 pm Court recessed.

1:35 pm Court resumes. Judge addresses the potential jurors. Judge excuses potential juror and calls another.

1:38 pm Side bar requested by Vince Horn.

1:41 pm Court resumes. Judge excuses another potential juror and calls another.

1:44 pm Voir dire by the Judge.

1:48 pm Side bar requested by potential juror.

1:55 pm Court resumes. Judge excuses potential juror and calls another.

2:04 pm Voir dire by Darrell Fun for the Government.

2:06 pm Voir dire by Vince Horn for Robert Velasquez, Jr.

2:07 pm Voir dire by Peter Timbers for Miguel Ordaz.

2:09 pm Voir dire by Jill Higham for Alex Garcia, Jr.

2:10 pm Voir dire by Tom Fleener for Daniel Renteria.

2:16 pm Side bar requested by the Judge.

2:20 pm Court resumes. Peremptory challenge process continues.

2:22 pm Judge excuses a potential juror and calls another.

2:29 pm Voir dire by Darrell Fun for the Government.

2:30 pm Voir dire by Vince Horn for Robert Velasquez, Jr.

2:30 pm Voir dire by Peter Timbers for Miguel Ordaz.

2:31 pm Voir dire by Jill Higham for Alex Garcia, Jr.

2:33 pm Voir dire by Tom Fleener for Daniel Renteria.

2:38 pm Peremptory challenge process continues.

2:41 pm Counsel for all sides are satisfied with the jury. Judge release remaining potential jurors.

2:42 pm JURY EMPANELED.

2:44 pm Jury sworn by the Courtroom Deputy.

2:44 pm Judge issues preliminary instructions to the jury panel.

3:08 pm Court to recess for afternoon break. To reconvene at 3:45 pm. Counsel to report at 3:40 pm.

3:12 pm Court recessed for afternoon break.

3:56 pm Court resumes. Jury brought in. Opening statements by Darrell Fun for the Government.

4:25 pm Vince Horn will reserve opening statement on behalf of Robert Velasquez, Jr. for the close of the Government's case.

4:26 pm Opening statement by Tom Fleener for Daniel Renteria.

4:34 pm Opening statement by Peter Timbers for Miguel Ordaz.

4:38 pm Jill Higham will reserve opening statement on behalf of Alex Garcia, Jr. at this time.

4:38 pm Government calls Michael Hall. Sworn in by the Courtroom Deputy. Direct examination of Michael Hall by Bob Murray for the Government.

5:01 pm - 5:02 pm (Tom Fleener left the courtroom and returned.)

5:18 pm Judge issues brief instructions to the jury. Court to reconvene tomorrow at 9:15 am.

5:20 pm Jury excused. Matter discussed outside the presence of the jury.

5:25 pm Judge informs counsel that she will be available in chambers at 8:30 should counsel need to meet with her. Court recessed for the evening.